

DOCKET NO: 291327US26PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YASUO KOBAYASHI, ET AL. : EXAMINER: MANDY C. LOUIE
SERIAL NO: 10/580,036 :
FILED: MAY 19, 2006 : GROUP ART UNIT: 1792
FOR: PLASMA PROCESSING METHOD :
AND PLASMA PROCESSING
APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated April 30, 2009, Applicants provisionally elect, with traverse, Invention I, including Claims 1-6, for further examination on the merits in the present application. Applicants make this provisional election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants respectfully traverse the Election of Species requirement based on MPEP § 803, which states:

If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

It is believed that the claims of the present application would be part of an overlapping search area. Furthermore, since electronic searching is commonly performed, a

search may be made of large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the ground that a search and examination of the entire application would not place a serious burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect one invention be withdrawn, and that a full examination on the merits of Claims 1-7 be conducted.

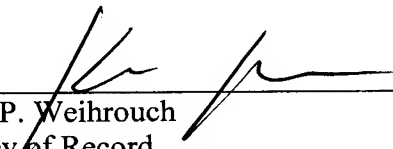
Respectfully submitted,

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